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July 11, 2022

**VIA ECF**

The Honorable Denise L. Cote  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Ad Hoc Group of Unsecured Claimants v. LATAM Airlines Group S.A., et al.*,  
Case No. 22-cv-5660 (GHW); *TLA Claimholders Group v. LATAM Airlines*  
*Group S.A., et al.*, Case No. 22-cv-5891

Dear Judge Cote:

We write on behalf of appellees in the above-captioned actions, LATAM Airlines Group S.A. and its affiliated debtors and debtors-in-possession (collectively, the “Appellees” or the “Debtors”).

As Your Honor is aware from the prior submissions of the Ad Hoc Group of Unsecured Creditors (the “Ad Hoc Group Appellant”) and the Appellees, another notice of appeal from the June 18, 2022 order of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) confirming the Debtors’ plan of reorganization (the “Confirmation Order”) was filed by the ad hoc group of holders of certain claims against TAM Linhas Aéreas S.A. (collectively, the “TLA Claimholder Appellants”). The Ad Hoc Group Appellant’s Emergency Motion to Expedite the Appeal dated July 6, 2022, and the Appellees’ Response to the Motion dated July 7, 2022, expressed the views of the Ad Hoc Group Appellant and the Appellees, respectively, that the TLA Claimholder Appellants should be subject to the same briefing schedule, which would promote judicial efficiency.

Hon. Denise L. Cote, p. 2

It is our understanding that while the TLA Claimholder Appellants filed their notice of appeal on June 29, 2022, their appeal was only docketed with the District Court today. We further understand that a statement of relatedness was filed today and anticipate that this appeal will be assigned to Your Honor as a related case should Your Honor accept it as related to the Ad Hoc Group Appellant's appeal. The TLA Claimholder Appellants, however, have been aware of (i) the Debtors' desire for an expedited schedule since we sought to engage them unsuccessfully on a proposed briefing schedule on June 22, (ii) the Debtors' specific proposed dates submitted to the Court on July 5 (the TLA Claimholder Appellants were copied on that correspondence) and (iii) this Court's order of July 7 setting July 11 as the deadline for the Ad Hoc Group Appellant's opening brief and July 13 for a chambers conference (which order we immediately forwarded to the TLA Claimholder Appellants).

Assuming that the TLA Claimholder Appellants' appeal is assigned to Your Honor prior to the July 13 conference, the Appellees respectfully request that (i) the TLA Claimholder Appellants be ordered to participate in the chambers conference and (ii) a schedule be set at that conference for their immediate submission of their opening brief so that oppositions and replies with respect to the two appeals can be briefed and considered together. As the TLA Claimholder Appellants have professed an urgent desire for expedition to the Debtors and the Bankruptcy Court since June 22 – including in their motion for a stay, which the Bankruptcy Court denied on July 7 – a coordinated briefing schedule is consistent with the TLA Claimholder Appellants' stated desire for expedited briefing and would prejudice no party to the appeals.

In the interest of full disclosure, last Thursday (19 days after entry of the Confirmation Order), the TLA Claimholder Appellants for the first time informed the Debtors of their view that their appeal should bypass the District Court and, on Friday, they moved the Bankruptcy Court for direct certification to the Second Circuit because of, *inter alia*, the TLA Claimholder Appellants' claimed desire for expedition. We expect that given Judge Garrity's July 7 bench ruling denying a stay, which found that the TLA Claimholder Appellants have failed to demonstrate a substantial possibility of success on appeal, it is unlikely that the Bankruptcy Court would certify the appeal for direct appeal to the Second Circuit. Regardless, pursuant to 28 U.S.C. § 158(d)(2)(D), the mere filing of the TLA Claimholder Appellants' motion for direct certification does not stay the appeal to the District Court. Moreover, given that the TLA Claimholder Appellants have failed to identify any separate issues from those that would be presented in a direct appeal to the District Court that they seek to certify on a direct appeal to the Second Circuit, setting a briefing deadline would only further efficiency as the TLA Claimholder Appellants could simply use their brief wherever appealed.

Hon. Denise L. Cote, p. 3

Thank you for your consideration.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

Jeffrey A. Rosenthal

*Attorney for LATAM Airlines Group  
S.A. and its affiliated debtors and  
debtors-in-possession*

cc (via email):

Counsel for the Ad Hoc Group Appellant  
Counsel for the TLA Claimholder Appellants